

Am No 468

To Rose by Com on
Executive Department

Nov 2. 78

Read ordered printed
and ~~make~~ the special
Order for Monday Nov 4.

Thontri

~~Nov 6/1894~~ ^{Nov 11/78} has been
considered & am-
ended in case of
Whale & placed
on Seal Bill

Smith
ass Sec'y

Article V.

Executive Department

Section 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California

Section 2. The Governor shall be elected by the qualified electors, at the time and places for of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first Tuesday in January subsequent to his election, and until his successor is elected and qualified

Section 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding the election, and attained the age of thirty years at the time of said election

Section 4. The returns of every Election for Governor shall be sealed up and transmitted to the seat of Government, directed to the Speaker of the Assembly, who shall during the first week of the session, open and publish them in the presence of both Houses of the Legislature. The person having the highest number of votes shall be Governor; but, in case any two or more have an equal and the highest number of votes, the Legislature shall by joint vote of both Houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

Section 5. The Governor shall be Commander-in-Chief of the militia, the army, and navy of this State.

Section 6. He shall transact all executive business with the officers of Government, civil and military, and may require information in writing from the officers of the Executive Department, upon any subject relating to the duties of their respective offices.

Section 7. He shall see that the laws are faithfully executed.

Section 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law, for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

Section 9. He may, on extraordinary occasions, convene the Legislature by proclamation stating the purposes for which he has convened it, and when so convened, it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.

Section 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

Section 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may deem proper; provided, it be not

5-

beyond the time fixed for the
meeting of the next Legislature

Section 12. No person shall,
while holding any office under
the United States or this State,
exercise the office of Governor,
except as hereinafter expressly
provided.

Section 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

Section 14. All grants and commissions shall be in the name and by the authority of the People of the State of California, sealed with the Great Seal of the State, signed by the Governor, and countersigned by the Secretary of State.

Section 15. A Lieutenant-Governor shall be elected at the same time and places and in the same manner, as the Governor; and his term of office, and his qualifications of eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be

7
impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President Pro-tem of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant Governor shall be disqualified from holding any other office except as specifically provided in this Constitution during the term for which he shall have been elected.

Section 16 . In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the

consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, she shall continue Commander-in-Chief of all the military force of the State.

Section 17. A Secretary of State, a Controller, a Treasurer, an Attorney General, and a Surveyor General, shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

Section 18. The Secretary of State shall keep a fair record of the official acts of the Legislative and Executive Departments of the Government, and shall when required, lay the same, and all matters relative thereto, before either branch of the Legislature

and shall perform such other duties as may be assigned him by law.

Section 19. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General and Surveyor General shall each at stated times during their continuance in office, receive for their services a Compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution as follows:

Governor, Six thousand dollars per annum. Lieutenant Governor, the same per diem as may be provided by law for the Speaker of the Assembly.

The Secretary of State, Controller and Treasurer, Three thousand dollars each per annum,

said compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; provided however that the Legislature after the expiration of the terms hereinbefore mentioned may by law diminish the compensation of any or all of said officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution.

The Legislature shall by law fix the compensation of the Attorney General and the Surveyor General, but in no case shall the compensation so fixed exceed the compensation of the Secretary of State as herein provided, and the Legislature ^{and} may in its discretion abolish the office of Surveyor General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

Amendment.

No. 468.

INTRODUCED BY COMMITTEE ON EXECUTIVE DEPARTMENT.

NOVEMBER 2D, 1878.

~~READ, ORDERED PRINTED, AND MADE THE SPECIAL ORDER FOR MONDAY~~

~~NOVEMBER 4TH.~~

As Amended in Committee

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested
2 in a Chief Magistrate, who shall be styled the Governor of the State of Cali-
3 fornia.

SEC. 2. The Governor shall be elected by the qualified electors, at the
2 time and places of voting for members of the Assembly, and shall hold his
3 office four years from and after the Monday after the first Tuesday in January
4 subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has
2 not been a citizen of the United States and a resident of this State five years
3 next preceding the election, and attained the age of ~~thirty~~ *twenty five* years at the time
4 of said election.

SEC. 4. The returns of every election for Governor shall be sealed up
2 and transmitted to the seat of government, directed to the Speaker of the

3 Assembly, who shall, during the first week of the session, open and publish
 4 them in the presence of both Houses of the Legislature. The person having
 5 the highest number of votes shall be Governor; but, in case any two or more
 6 have an equal and the highest number of votes, the Legislature shall, by joint
 7 vote of both Houses, choose one of said persons so having an equal and the
 8 highest number of votes for Governor.

SEC. 5. The Governor shall be Commander-in-Chief of the militia,
 2 the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of gov-
 2 ernment, civil and military, and may require information, in writing, from the
 3 officers of the executive department, upon any subject relating to the duties
 4 of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no
 2 mode is provided by the Constitution and law for filling such vacancy, the
 3 Governor shall have power to fill such vacancy by granting a commission,
 4 which shall expire at the end of the next session of the Legislature, or at the
 5 next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature
 2 by proclamation, stating the purposes for which he has convened it, and when
 3 so convened it shall have no power to legislate on any subjects other than
 4 those specified in the proclamation, but may provide for the expenses of the
 5 session and other matters incidental thereto.

SEC. 10. He shall communicate by message to the Legislature, at

2 every session, the condition of the State, and recommend such matters as he
3 shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with
2 respect to the time of adjournment, the Governor shall have power to adjourn
3 the Legislature to such time as he may think proper ; *provided*, it be not
4 beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United
2 States or this State, exercise the office of Governor except as hereinafter
3 expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by
2 the Governor, and used by him officially, and shall be called "The Great
3 Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the
2 authority of The People of the State of California, sealed with the great seal
3 of the State, signed by the Governor, and countersigned by the Secretary of
4 State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and
2 places, and in the same manner, as the Governor ; and his term of office and
3 his qualifications of eligibility shall also be the same. He shall be President
4 of the Senate, but shall only have a casting vote therein. If, during a vacancy
5 of the office of Governor, the Lieutenant-Governor shall be impeached, dis-
6 placed, resign, die, or become incapable of performing the duties of his office,
7 or be absent from the State, the President pro tem. of the Senate shall act as
8 Governor until the vacancy be filled or the disability shall cease. The Lieu-
9 tenant-Governor shall be disqualified from holding any other office, except as

10 specially provided in this Constitution, during the term for which he shall
11 have been elected.

SEC. 16. In case of the impeachment of the Governor, or his removal
2 from office, death, inability to discharge the powers and duties of the said
3 office, resignation, or absence from the State, the powers and duties of the
4 office shall devolve upon the Lieutenant-Governor for the residue of the term,
5 or until the disability shall cease. But when the Governor shall, with the
6 consent of the Legislature, be out of the State in time of war, at the head of
7 any military force thereof, he shall continue Commander-in-Chief of all the
8 military force of the State.

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-
2 General, and a Surveyor-General shall be elected at the same time and places,
3 and in the same manner as the Governor and Lieutenant-Governor, and whose
4 term of office shall be the same as the Governor.

Correct
SEC. 18. The Secretary of State shall keep a ~~fair~~ record of the official
2 acts of the Legislative and Executive Departments of the Government, and
3 shall, when required, lay the same, and all matters relative thereto, before
4 either branch of the Legislature, and shall perform such other duties as may
5 be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State,
2 Controller, Treasurer, Attorney-General, and Surveyor-General shall each, at
3 stated times during their continuance in office, receive for their services a
4 compensation which shall not be increased or diminished during the term for
5 which they shall have been elected, which compensation is hereby fixed for the
6 following officers for the two terms next ensuing the adoption of this Constitu-
7 tion, as follows: Governor, six thousand dollars per annum; Lieutenant-

to be allowed only during the session of the Legislature

[5]

8 Governor, the same per diem as may be provided by law for the Speaker of
9 the Assembly; the Secretary of State, Controller, ~~and~~ Treasurer, three thou-
10 sand dollars each per annum, said compensation to be in full for all services
11 by them respectively rendered in any official capacity or employment whatso-
12 ever during their respective terms of office; *provided, however,* that the Legis-
13 lature, after the expiration of the terms hereinbefore mentioned, may by law
14 diminish the compensation of any or all of said officers, but in no case shall
15 have the power to increase the same above the sums hereby fixed by this Consti-
16 tution. The Legislature ~~shall by law fix the compensation of the Attorney-~~
17 ~~General and the Surveyor-General, and~~ may, in its discretion, abolish the office
18 of Surveyor-General; and none of the officers hereinbefore named shall receive
19 for their own use any fees or perquisites for the performance of any official duty.

*Attorney
General
and Surveyor
General.*

2468

*No salary shall be authorized by law
for clerical service in any office pro-
vided for in this Article, exceeding
eighteen hundred dollars per annum.*

Amend. 468, EXEC. Intro. by Comm on EXEC. Nov 2, 1878.

Original

Amendment.

No. 468.

INTRODUCED BY COMMITTEE ON EXECUTIVE DEPARTMENT.

NOVEMBER 2D, 1878.

AS AMENDED IN COMMITTEE.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION. 1. The supreme executive power of this State shall be vested
2 in a Chief Magistrate, who shall be styled the Governor of the State of Cali-
3 fornia.

SEC. 2. The Governor shall be elected by the qualified electors, at the
2 time and places of voting for members of the Assembly, and shall hold his
3 office four years from and after the Monday after the first Tuesday in January
4 subsequent to his election, and until his successor is elected and qualified.

SEC. 3. No person shall be eligible to the office of Governor who has
2 not been a citizen of the United States and a resident of this State five years
3 next preceding the election, and attained the age of twenty-five years at the
4 time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up
2 and transmitted to the seat of Government, directed to the Speaker of the
3 Assembly, who shall, during the first week of the session, open and publish

4 them in the presence of both Houses of the Legislature. The person having
5 the highest number of votes shall be Governor; but, in case any two or more
6 have an equal and the highest number of votes, the Legislature shall, by joint
7 vote of both Houses, choose one of said persons so having an equal and the
8 highest number of votes for Governor.

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4 of their respective offices.

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2 mode is provided by the Constitution and law for filling such vacancy, the
3 Governor shall have power to fill such vacancy by granting a commission,
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5 next election by the people.

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2 by proclamation, stating the purposes for which he has convened it, and when
3 so convened it shall have no power to legislate on any subjects other than
4 those specified in the proclamation, but may provide for the expenses of the
5 session and other matters incidental thereto.

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2 every session, the condition of the State, and recommend such matters as he
3 shall deem expedient.

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 2 the Governor, and used by him officially, and shall be called "The Great
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 2 authority of The People of the State of California, sealed with the great seal
 3 of the State, signed by the Governor, and countersigned by the Secretary of
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 2 places, and in the same manner, as the Governor; and his term of office and
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 4 of the Senate, but shall only have a casting vote therein. If, during a vacancy
 5 of the office of Governor, the Lieutenant-Governor shall be impeached, dis-
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 7 or be absent from the State, the President pro tem. of the Senate shall act as
 8 Governor until the vacancy be filled or the disability shall cease. The Lieu-
 9 tenant-Governor shall be disqualified from holding any other office, except as
 10 specially provided in this Constitution, during the term for which he shall
 11 have been elected.

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 4 office shall devolve upon the Lieutenant-Governor for the residue of the term,
 5 or until the disability shall cease. But when the Governor shall, with the
 6 consent of the Legislature, be out of the State in time of war, at the head of
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 3 and in the same manner as the Governor and Lieutenant-Governor, and whose
 4 term of office shall be the same as the Governor.

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 2 official acts of the Legislative and Executive Departments of the Govern-
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 3 stated times during their continuance in office, receive for their services a
 4 compensation which shall not be increased or diminished during the term for
 5 which they shall have been elected, which compensation is hereby fixed for the
 6 following officers for the two terms next ensuing the adoption of this Constitu-
 7 tion, as follows: Governor, six thousand dollars per annum; Lieutenant-
 8 Governor, the same per diem as may be provided by law for the Speaker of
 9 the Assembly, to be allowed only during the session of the Legislature; the

10. Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-
 11. General, three thousand dollars each per annum, said compensation to be in
 12. full for all services by them respectively rendered in any official capacity or
 13. employment whatsoever during their respective terms of office; *provided*,
 14. *however*, that the Legislature, after the expiration of the terms hereinbefore
 mentioned, may by law diminish the compensation of any or all of said officers,
 but in no case shall have the power to increase the same above the sums
 hereby fixed by this Constitution. No salary shall be authorized by law for
 clerical service in any office provided for in this article, exceeding sixteen
 hundred dollars per annum. The Legislature may, in its discretion, abolish
 the office of Surveyor-General; and none of the officers hereinbefore named
 shall receive for their own use any fees or perquisites for the performance of
 any official duty.

for each clerk employed

*and section offered by
 Jones*

10

11

12

13

14

Amend Section 19 in line
19 after the word "annum",
insert the words
for each clerk employed

in

1
1
1
1
1
14

19 of
man

Sec 20. The Governor shall not during
his term of office be ^{Elect} ~~eligible~~ as a Senator
of ~~the State~~ to the Senate of the United
States.

Jones

adopted

Amend. # 468

Nov. 2, 1878.

Executive Dept.

Add after Controller
line 9 ~~and insert~~

Attorney General and
the Surveyor General.

And strike out

in line ¹⁶ 17

shall by law fix the Compensation
of Attorney General and

the Surveyor General and,

Larkin

Strike out Coughten - and
insert sixteen -

McConnell

Adopted.

61

44

Amend Sec 19 in
line 9 by ~~by~~ adding after
the word "Assembly" the
words "to be allowed only
during the session of the
Legislature"

Barbour
adopted 78-16

adopted

~~2~~ as many offices - and 2 as ~~many~~
high salaries -

Begin with The Governor -

Amend Sec 19 in line 16 by
~~adding~~ adding after the word
"Constitution" the words:

"No salary shall be authorized
by law for Clerical service
in any office provided for
in this article exceeding
^{eighteen} ~~eighteen~~ hundred dollars
per annum."

Copy used in Gen of Whate

Still under consideration

Amendment.

No. 468.

INTRODUCED BY COMMITTEE ON EXECUTIVE DEPARTMENT.

NOVEMBER 2D, 1878.

READ, ORDERED PRINTED, AND MADE THE SPECIAL ORDER FOR MONDAY
NOVEMBER 4TH.

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2 not been a citizen of the United States and a resident of this State five years
3 next preceding the election, and attained the age of ~~thirty~~ ^{Twenty five} years at the time
4 of said election.

SEC. 4. The returns of every election for Governor shall be sealed up
2 and transmitted to the seat of government, directed to the Speaker of the

Amendment of Shuttleff.

Strike out the word
thirty in line three and
insert twenty five

Adopted

Shuttleff

3 Assembly, who shall, during the first week of the session, open and publish
4 them in the presence of both Houses of the Legislature. The person having
5 the highest number of votes shall be Governor; but, in case any two or more
6 have an equal and the highest number of votes, the Legislature shall, by joint
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6 following officers for the two terms next ensuing the adoption of this Constitu-
7 tion, as follows: Governor, six thousand dollars per annum; Lieutenant-

correct (Amended by Webster)

Sec 18 as amended in lieu of
whole

Strikes out the word -
fair, in first line - &
in last "correct"

Webster

~~Not~~ Carried

Barbours Amendment

[5]

(By Larkin)
Attorney
General
and
Surveyor
General

8. Governor, the same per diem as may be provided by law for the Speaker of
9 the Assembly; the Secretary of State, Controller, and Treasurer, three thou-
10 sand dollars each per annum, said compensation to be in full for all services
11 by them respectively rendered in any official capacity or employment whatso-
12 ever during their respective terms of office; *provided, however,* that the Legis-
13 lature, after the expiration of the terms hereinbefore mentioned, may by law
14 diminish the compensation of any or all of said officers, but in no case shall
15 have the power to increase the same above the sums hereby fixed by this Consti-
16 tution. ~~The Legislature shall by law fix the compensation of the Attorney-~~
17 ~~General and the Surveyor-General, and~~ may, in its discretion, abolish the office
18 of Surveyor-General; and none of the officers hereinbefore named shall receive
19 for their own use any fees or perquisites for the performance of any official duty.

by Larkin

Original
Execution

EXECUTIVE DEPARTMENT.

As Amended in Convention, and Ordered Engrossed for a Second Reading, January 29th, 1879.

ARTICLE V.

EXECUTIVE DEPARTMENT.

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SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department, upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session and other matters incidental thereto.

SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two Houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

SEC. 12. No person shall, while holding any office under the United States or this State, exercise the office of Governor except as hereinafter expressly provided.

SEC. 13. There shall be a seal of this State, which shall be kept by the

Governor, and used by him officially, and shall be called "The Great Seal of the State of California."

SEC. 14. All grants and commissions shall be in the name and by the authority of The People of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor; and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President pro tem. of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected.

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force in the State.

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor.

SEC. 18. The Secretary of State shall keep a correct record of the

official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall each, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General, three thousand dollars each per annum, said compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all of said officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty.

SEC. 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

Executive Dept

Feb 6/79

Reported, Correctly
Expended

Edw H Smith
Secretary

Feb 20th 1879

Read a second time
adopted & referred to
Com on Revision and
Adjustment

Thornton
Asst Secy